

Docket No.: 026908.0102-US02
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Cyrrus G. Lewis

Application No.: **Continuation of 10/082,353**

Group Art Unit: Not Yet Assigned

Filed: September 16, 2003

Examiner: Not Yet Assigned

For: **PRE-STRESSED MODULAR RETAINING
WALL SYSTEM AND METHOD**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Listed on accompanying Form PTO/SB/08a/b are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08a/b based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior

art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. These document(s) were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 10/082,353, filed February 26, 2002, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as

a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☒ 8. Copies of the documents were cited by or submitted to the Office in Application Nos. 10/082,353, filed February 26, 2002, and 09/474,069, filed December 29, 1999, which are relied upon for an earlier filing date under 35 U.S.C. § 120.

Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a/b, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740, referencing Docket No. 026908.102-US02.

Dated: September 16, 2003

Respectfully submitted,

By 

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Continuation of 10/082,353
				Filing Date	September 16, 2003
				First Named Inventor	Cyrus G. Lewis
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	026908.0102-US02

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-1,818,056	08/1931	Ferguson, Jr.	
	AB	US-1,824,990	09/1931	Gilman, C.	
	AC	US-1,909,539	05/1933	Huntoon	
	AD	US-RE 34,314		Forsberg	
	AE	US-2,149,957	03/1939	Dawson	
	AF	US-2,159,556	05/1939	Habicht	
	AG	US-3,464,211	09/1969	Andresen	
	AH	US-3,922,864	12/1975	Hilfiker	
	AI	US-4,051,570	10/1977	Hilfiker, William K.	
	AJ	US-4,068,482	01/1978	Hilfiker, William K.	
	AK	US-4,278,364	07/1981	Frehner	
	AL	US-4,312,606	01/1982	Sarikelle	
	AM	US-4,384,810	05/1983	Neumann	
	AN	US-4,426,176	01/1994	Terada	
	AO	US-4,572,711	02/1986	Benson et al.	
	AP	US-4,592,678	06/1986	McNinch, Jr., et al.	
	AQ	US-4,664,562	05/1987	Clark, et al.	
	AR	US-4,688,362	08/1987	Pedersen, et al.	
	AS	US-4,726,567	02/1988	Greenberg	
	AT	US-4,815,897	03/1989	Risi, et al.	
	AU	US-4,834,585	05/1989	Hasenwinkle, et al.	
	AV	US-4,874,272	10/1989	Egan	
	AW	US-4,914,876	04/1990	Forsberg	
	AX	US-4,920,712	05/1990	Dean, Jr.	
	AY	US-5,087,150	02/1992	McCreary	
	AZ	US-5,161,918	11/1992	Hodel	
	AA1	US-5,163,261	11/1992	O'Neill	
	AB1	US-5,178,492	01/1993	Meheen, H. Joe	
	AC1	US-5,197,245	03/1993	Davis	
	AD1	US-5,205,675	04/1993	Hamel	
	AE1	US-5,214,898	06/1993	Beretta	
	AF1	US-5,224,801	07/1993	Quaney	
	AG1	US-5,257,880	11/1993	Janopaul, Jr.	
	AH1	US-5,337,527	08/1994	Wagenaar	
	AI1	US-5,350,256	09/1994	Hammer	
	AJ1	US-5,355,647	10/1994	Johnson, et al.	
	AK1	US-5,421,135	06/1995	Stevens, et al.	
	AL1	US-5,487,623	01/1996	Anderson, et al.	
	AM1	US-5,490,363	02/1996	Woolford	
	AN1	US-5,494,379	02/1996	Anderson, et al.	
	AO1	US-5,505,034	04/1996	Dueck	
	AP1	US-5,537,796	07/1996	Kliethermes, Jr.	
	AQ1	US-5,547,316	08/1996	Zege, et al.	
	AR1	US-5,551,809	09/1996	Forsberg	
	AS1	US-5,564,865	10/1996	Jansson	
	AT1	US-5,567,089	10/1996	Akamine	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	026908.0102-US02

	AU1	US-5,678,373	10/1997	Franklin, et al.	
	AV1	US-5,688,078	11/1997	Hammer	
	AW1	US-5,707,183	01/1998	Akamine, Masumi	
	AX1	US-5,865,006	02/1999	Dawson	
	AY1	US-6,088,987	07/2000	Simmons et al.	
	AZ1	US-6,402,435	06/2002	CGL Systems LLC	
	AA2	US-6,431,797	08/2002	Greenberg, Harold H.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					
	BA	AT-296367		01/1972			
	BB	DE-31 21 681		02/1982	Rausch		
	BC	EP-0 872 607		10/1998	Klinkhammer		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	CA	DeLeuw, Cather & Co. illustrations/blueprints: "Division of Highways: Typical Wall Sections," "Division of Highways: Retaining Wall Details," "Division of Highways: Alignment Device & Misc. Wall Details," "Division of Highways: Double T Retaining Wall Details (Type I)," "Division of Highways: Double T Retaining Wall Details (Type IV-S & I), Sheets I-117, I-118, I-119, I-121, I-122.		
	CB	Patent Abstracts of Japan, Vol. 010, No. 227, 7 August 1986 & JP 61 060929A, 28 March 1986 abstract.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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